

Petitioner moves the Court to stay the instant petition because he has filed a Rule 91 habeas petition in the Circuit Court for Mississippi County, Missouri. Jamerson v. Missouri, No. 14MI-CV00085 (33d Cir.). The Court takes notice of the state court's files, and the court notes that the petition was denied on February 20, 2014. As a result,

the motion to stay is denied. Furthermore, it is unlikely that the Rule 91 petition would have had any effect on the instant case.

There is no constitutional or statutory right to appointed counsel in a civil case. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors including (1) whether the plaintiff has presented non-frivolous allegations supporting his prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. See Battle v. Armontrout, 902 F.2d 701, 702 (8th Cir. 1990); Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005. After considering these factors, I believe that the facts and legal issues involved are not so complicated that the appointment of counsel is warranted at this time.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion for leave to proceed in forma pauperis [ECF No. 2] is **GRANTED**.


IT IS FURTHER ORDERED that the Clerk shall mail to petitioner a Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 form.

IT IS FURTHER ORDERED that petitioner shall use the provided form and file an amended petition within thirty (30) days from the date of this Order.

IT IS FURTHER ORDERED that petitioner's motion to stay [ECF No. 3] is **DENIED**.

IT IS FURTHER ORDERED that petitioner's motions for appointment of counsel [ECF Nos. 4, 7] are **DENIED** without prejudice.

Dated this 7th day of March, 2014.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE